

PROB 12B (7/93)

UNITED STATES DISTRICT COURT

for

WESTERN DISTRICT OF TEXAS

FILED

2016 MAR -4 PM 3:12

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY EC
DEPUTY

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Omar Etayem Rivera

Case Number: EP-10-CR-1165 KC(1)

Name of Sentencing Judicial Officer: Kathleen Cardone, U.S. District Judge

Date of Original Sentence: August 2, 2011

Original Offense: Conspiracy to possess with intent to distribute 500 grams or more of cocaine

Original Sentence: One hundred (100) months custody followed by a four (4) year term of supervised release

Type of Supervision: Supervised Release

Date Supervision Scheduled to Commence: April 9, 2016

PETITIONING THE COURT

[] To extend the term of supervision for ____ years, for a total term of ____ years.

[✓] To modify the conditions of supervision as follows:

The Defendant shall reside at Dismas Charities, Inc., 7011 Alameda, El Paso, Texas for a period up to 180 days and shall report to said facility as directed by the probation officer. In addition to abiding by all the rules of Dismas Charities, Inc., the Defendant shall not terminate his stay at Dismas Charities Inc. nor separate from the facility unless authorized by the probation officer or the director of Dismas Charities Inc. The Defendant shall report in person to the probation officer within 72 hours of completing his stay or having been terminated from further residence at Dismas Charities, Inc.. The subsistence for the Defendant shall be waived.

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CAUSE

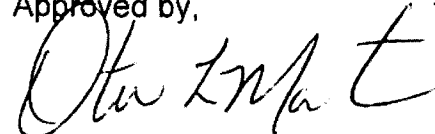
On February 26, 2016, United States Probation Officer contacted Omar Etayem Rivera at Dismas Charities, Inc. where he is currently detained in federal custody awaiting his release on supervised release. Mr. Etayem Rivera does not have a valid release address nor family members willing to assist him at this time to secure his own residence. On March 1, 2016, Omar Etayem Rivera signed a Probation Form 49, Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision, wherein he agrees to have his conditions modified accordingly.

Respectfully submitted,



Manuel Resendez, Jr.
U.S. Probation Officer
Office (915) 585-6566
Cellular (915) 861-8971

Approved by,



Otis L. Martin
Supervising U.S. Probation Officer
Office (915) 585-6563
Cellular (915) 861-8288

Date: March 2, 2016

THE COURT ORDERS:

- ☐ No action.
- ☐ The extension of supervision as noted above.
- ☒ The modification of conditions as noted above.
- ☐ Other



Kathleen Cardone, U.S. District Judge

March 3, 2016

Date

PROB 49
(3/89)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by Law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The Defendant shall reside at Dismas Charities, Inc., 7011 Alameda, El Paso, Texas for a period up to 180 days and shall report to said facility as directed by the probation officer. In addition to abiding by all the rules of Dismas Charities, Inc., the Defendant shall not terminate his stay at Dismas Charities Inc. nor separate from the facility unless authorized by the probation officer or the director of Dismas Charities Inc. The Defendant shall report in person to the probation officer within 72 hours of completing his stay or having been terminated from further residence at Dismas Charities, Inc.. The subsistence for the Defendant shall be waived.

Witness:


U. S. Probation Officer
MANUEL RESENDEZ, JR.

Signed:


Probationer or Supervised Releasee
OMAR ETAYEM RIVERA


Date